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**GOTTLIEB, RACKMAN & REISMAN, P.C.**

270 Madison Avenue, 8th Floor

New York, New York 10016-0601

Telephone: (212) 684-3900

Fax: (212) 684-3999

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PETITIONS OFFICE

**FACSIMILE COVER SHEET**

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**TO:** Office of Petitions**COMPANY:** United States Patent and Trademark Office**TELEFAX NO.:** 703 308 6916**TELEPHONE NO.:** 703 305 9285**FROM:** Tiberiu WEISZ, Esq.

We are sending a communication of 18 page(s) (including this cover sheet). Please call (212) 684-3900 immediately if transmission is interrupted or of poor quality.

November 13, 2001

Your Ref No.: 09/767,027

Our Ref. No.: 3486-024 DIV III

**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 61.8**

I hereby certify that this correspondence is being facsimile transmitted to Office of Petitions, at Fax 703 308 6916, Assistant Commissioner for Patents, Washington, DC 20231 on 11.13.2001.

*Bolinda J. Hunter*  
Bolinda Hunter

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PTO/SB/21 (6-98)


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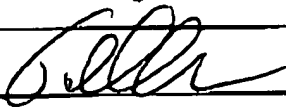
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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/767.027	
	Filing Date	January 22, 2001	
	First Named Inventor	HOCHMAN, Mark N	
	Group Art Unit	3783	
	Examiner Name	To Be Assigned	
Total Number of Pages in This Submission	17	Attorney Docket Number	3486-024 DIV III

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): Return Receipt Postcard:
Remarks <div style="text-align: right;">   <b>22440</b>          PATENT TRADEMARK OFFICE       </div>		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	GOTTLIEB RACKMAN & REISMAN PC Tiberlu WEISZ Reg. No. 29,876		
Signature			
Date	November 13, 2001		

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Signature	<input type="text"/>	Date	<input type="text"/>

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PTO/SB/17 (09-00)

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**FEE TRANSMITTAL  
for FY 2001**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$) 557

**Complete if Known**

Application Number	09/767,027
Filing Date	January 22, 2001
First Named Inventor	HOCHMAN, Mark N
Examiner Name	To Be Assigned
Group Art Unit	3763
Attorney Docket No.	3486-024 DIV III

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PETITIONS OFFICE**METHOD OF PAYMENT**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

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Number

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Deposit  
Account  
Name

Gottlieb Rackman &amp; Reisman PC

- ☒ Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17

- ☒ Applicant claims small entity status.  
See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other
**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	355
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$) 355

**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
23	-20** = 3	9	27
3	-3** = 0		
Multiple Dependent			

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	80	202	40	Independent claims in excess of 3	
104	270	204	135	Multiple dependent claim, if not paid	
109	80	209	40	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 27

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

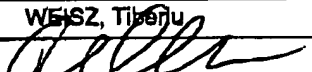
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	55
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	55
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	800	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
178	710	278	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 175

**SUBMITTED BY**

Name (Print/Type)	WEISZ, Tiborju	Registration No. (Attorney/Agent)	29,876	Telephone	212 684 3900
Signature		Date	November 13, 2001		

Complete (if applicable)

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Approved for use through 09/30/2000, OMB 0651-0031  
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/767.027	
	Filing Date	January 22, 2001	
	First Named Inventor	HOCHMAN, Mark N	
	Group Art Unit	3763	
	Examiner Name	To Be Assigned	
Total Number of Pages in This Submission	10	Attorney Docket Number	3486-024 DIV3

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After and Before Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below) Return Receipt Postcard;
Remarks		FAX RECEIVED NOV 13 2001 PETITIONS OFFICE

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	GOTTLIEB RACKMAN & REISMAN PC Tiberiu WEISZ Reg. No. 29,876
Signature	
Date	June 20, 2001

CERTIFICATE OF MAILING			
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Typed or printed name	Belinda HUNTER		
Signature		Date	June 20, 2001

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Date June 20, 2001 Atty JR/TW/BEL

Re: Inventor: HOCHMAN Title: DRUG DELIVERY SYSTEM  
WITH PROFILES

Client/Matter (Docket) No. 3486/24 DIV3 Case No. S/N 09/767 027 R/N  P/N 

Title or Description of Enclosures Trans. Form Cvr. Sht.; Sec. Req. Not. File  
Miss. Prts. and Req. Corr. (Prelim) Filing Rct.; Not. File Missing  
Prts. Non-Prov. 2pgs; Record. Form Cvr. Sht. in dupl. 2pgs;  
Ass'gn. 2pgs.; Check \$40.

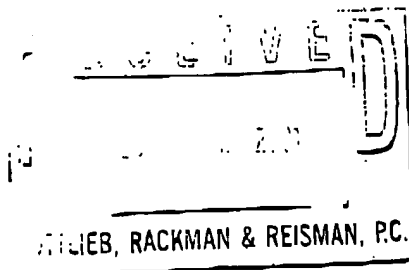
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Gottlieb, Rackman &amp; Reisman, P.C.

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**New York, New York 10016-0601**

Attention: Docketing

JUN 20 2001



Attorney Docket N :3486-024 DIV3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : HOCHMAN, Mark N  
Serial No. : 09/767,027  
(this is a divisional of parent application 09/201,464)  
Filing Date : January 22, 2001  
Title : DRUG DELIVERY SYSTEM WITH PROFILES  
Examiner : To Be Assigned  
Group Art Unit : 3763

COPY

June 20, 2001

**Box Missing Parts**  
Assistant Commissioner for Patents  
Washington, D.C. 20231

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*Belinda J. Hunter*  
Belinda Hunter

**SECOND RESPONSE TO NOTICE TO FILE MISSING PARTS  
AND REQUEST FOR CORRECTED (PRELIMINARY) FILING RECEIPT**

SIR:

At the time of filing the above-identified patent application on January 22, 2001, applicant enclosed therewith a *Fee Transmittal For FY 2001 (form PTO/SB/17)* authorizing the Commissioner to charge the small entity fees indicated therein to Deposit Account No. 07-1730. At that same time, applicant did assert entitlement to small entity status on the *Utility Patent Application Transmittal (form PTO/SB/05)* at item 2. Further, the initial submission at the time of filing included a *Declaration and Power of Attorney* duly signed by all inventors in this case. It is hereby reasoned that the declaration was not filed late and therefore a surcharge in the small

entity amount of \$65.00 is not now due.

In view of the above facts, Applicant hereby requests that the USPTO please charge to Deposit Account No. 07-1730 the outstanding filing fees totaling the small entity amount of \$382 as originally authorized at the time of filing this application. For the convenience of the USPTO, the *Fee Transmittal For FY 2001 (form PTO/SB/17)* was submitted in duplicate.

**REQUEST FOR CORRECTED (PRELIMINARY) FILING RECEIPT**

It is hereby requested that the USPTO correct the Attorney Docket No. to **3486-024** **DIV3** as indicated in red on the marked up true copy of the preliminary filing receipt attached hereto prior to issuing the official filing receipt.

Dated: June 20, 2001  
New York, New York

Respectfully submitted,

GOTTLIEB RACKMAN & REISMAN PC  
Attorneys for Applicant  
270 Madison Avenue  
New York, New York 10016-0601  
Telephone: 212/684-3900  
Telefax: 212/684-3999

By: 

Tiberiu WEISZ  
Reg. No. 29,876

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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
WWW.USPTO.GOV

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/767,027	01/22/2001	Mark Hochman	<del>3486-025 DVS</del> <b>316-024 DVS</b>

CONFIRMATION NO. 3318

## FORMALITIES LETTER



\*OC00000006098569\*

22440  
GOTTLIEB RACKMAN & REISMAN PC  
270 MADISON AVENUE  
8TH FLOOR  
NEW YORK, NY 100160601

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Date Mailed: 05/21/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

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Filing Date Granted

PETITIONS OFFICE

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$27.  
    ▪ \$27 for 3 total claims over 20.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 447.

*A copy of this notice **MUST** be returned with the reply.*

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PART 2 - COPY TO BE RETURNED WITH RESPONSE



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WASHINGTON, D.C. 20531  
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/767,027	01/22/2001	3763	0.00	3486-023 DIV2	17	23	3

CONFIRMATION NO. 3318

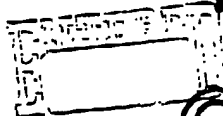
FILING RECEIPT



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270 MADISON AVENUE  
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NEW YORK, NY 100160801



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Date Mailed: 03/26/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

- ✓ Mark Hochman, Lake Success, NY;
- ✓ Claudia Hochman, Lake Success, NY;
- ✓ Angelo Ascione, Woodbridge, NJ;
- ✓ Lawrence Brown, Enola, PA;
- ✓ Hardie Johnson, Enola, PA;
- ✓ Michelle Lockwood, Mechanusburg, PA;

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PETITIONS OFFICE

## Continuing Data as Claimed by Applicant

THIS APPLICATION IS A DIV OF 09/201,464 11/30/1998 PAT 6,200,289 ✓  
AND CLAIMS BENEFIT OF 60/081,388 04/10/1998 ✓

## Foreign Applications

If Required, Foreign Filing License Granted 03/23/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

" SMALL ENTITY "

Date 4.6.2001 Atty JR/TW/belRe: HOCHMAN, Mark H: DRUG DELIVERY SYSTEM WITH PROFILESSerial/Matter (Docket) No. 3486-024 DIV III Case No. APR 03 2001S/N 09/767,027 R/N \_\_\_\_\_ P/N \_\_\_\_\_Title or Description of Enclosures Transmittal-1pp; Response-1pp; Notice to File Missing Parts-2pp; Copy of Notice-1pp;

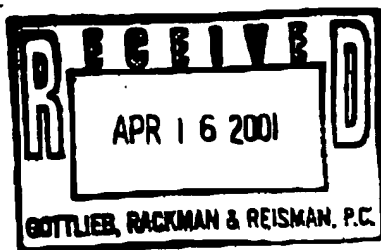
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Gottlieb, Rackman &amp; Reisman, P.C.

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/767.027	
	Filing Date	January 22, 2001	
	First Named Inventor	HOCHMAN, Mark N	
	Group/Art Unit	3763	
	Examiner Name	To Be Assigned	
Total Number of Pages In This Submission	4	Attorney Docket Number	3486-024 DIV3

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below) Return Receipt Postcard;
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	GOTTLIEB RACKMAN & REISMAN PC Tiberiu WEISZ Reg. No. 29,876		
Signature			
Date	April 6, 2001		

## CERTIFICATE OF MAILING

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Typed or printed name	Belinda HUNTER		
Signature		Date	April 6, 2001

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Attorney Docket No.: 3486-024 DIV3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : HOCHMAN, Mark N  
Serial No. : 09/767,027  
(this is a divisional of parent application 09/201,466)  
Filing Date : January 22, 2001  
Title : DRUG DELIVERY SYSTEM WITH PROFILES  
Examiner : To Be Assigned  
Group Art Unit : 3763

COPY

April 6, 2001

Assistant Commissioner for Patents  
Attention: OIPE - Customer Service Center  
Washington, D.C. 20231

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*Beth J. Hunter*  
Beth J. Hunter

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

SIR:

At the time of filing the above-identified patent application on January 22, 2001, the

USPTO overlooked applicants claim of small entity status on the *Utility Patent Application*

*Transmittal (form PTO/SB/05)* at item 2.

Applicant by his undersigned attorneys hereby claim entitlement to small entity status under 37 CFR §1.27. Therefore, it is believed that the total outstanding balance of \$427 as indicated on the *Notice to File Missing Parts* is not now due.

**Dated: April 6, 2001**  
**New York, New York**

**Respectfully submitted,**

**GOTTLIEB RACKMAN & REISMAN PC**  
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**By:**

**Tibena WELSZ**  
**Reg. No. 29,876**

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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20531  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/767,027	01/22/2001	Mark Hochman	3486-023 DIVE

22440  
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NOV 13 2001

PETITIONS OFFICE

CONFIRMATION NO: 3318

FORMALITIES LETTER



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Date Mailed: 03/26/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$27.
  - \$27 for 3 total claims over 20.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$85 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 447.

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE